Staup and Return

BINGHAM

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November 13, 2007

FILED/ACCEPTED NOV 1 3 2007

Federal Communications Commission Office of the Secretary

Via Courier

Marlene H. Dortch, Secretary Federal Communications Commission Office of the Secretary c/o Natek, Inc. 236 Massachusetts Avenue, N.E. Suite 110 Washington, DC 20002

Re: East Tennessee Network, LLC, Supplement to Section 63.71 Application

Dear Ms. Dortch:

On behalf of East Tennessee Network, LLC, enclosed please find an original and four (4) copies of the above-referenced Supplement. Please date-stamp and return the extra copy. Please feel free to contact us if you have any questions regarding this matter.

Respectfully submitted,

Jean L. Kiddeo Harry N. Malone

Boston
Hartford
Hong Kong
London
Los Angeles
New York
Orange County
San Francisco
Santa Monica
Silicon Valley
Tokyo
Walnut Creek

e. Streaton

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A/72246924.1

Before the FEDERAL COMMUNICATIONS COMMISSION Washington, D.C.

In the Matter of)
Section 63.71 Application of)
East Tennessee Network, LLC)
For Authority to Discontinue Certain Services)

SUPPLEMENT TO SECTION 63.71 APPLICATION

East Tennessee Network, LLC d/b/a XTN ("XTN"), through its undersigned counsel, hereby files this Supplement to the Application, filed with the Commission on October 10, 2007, to discontinue services pursuant to Section 63.71 of the Commission's rules, 47 C.F.R. § 63.71, in selected areas defined in the original application. Specifically, XTN submits the following supplemental information:

- 1. XTN has revised its Discontinuance Notices to comply with the provisions of Section 63.71 regarding the deadline to file objections with the Commission. These notices, samples of which are provided as an Exhibit to this Supplement, have been mailed to all of XTN's current customers as of November 13, 2007.
- 2. XTN's customers in Virginia have been given until December 15, 2007 to find a new provider of services, in order to ensure that they have proper notice.

Respectfully submitted,

East Tennessee Network, LLC

By:

Jean L. Kiddoo Harry N. Malone

Bingham McCutchen LLP

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Washington, D.C. 20006 Tel: (202) 373-6000

Fax: (202) 373-6001

Email: harry.malone@bingham.com

Dated: November 13, 2007

CERTIFICATE OF SERVICE

I hereby certify that the foregoing Section 63.71 Application of East Tennessee Network, LLC was served this 13th day of November, 2007, by mailing true and correct copies thereof, postage prepaid, to the following persons at the addresses appearing on the attached list.

Secretary of Defense Attn: Special Asst. for Telecommunications The Pentagon Washington, D.C. 20301

Joel H. Peck, Clerk Virginia State Corporation Commission Tyler Building 1300 East Main Street Richmond, VA 23219

Governor Tim Kaine Office of the Governor Patrick Henry Building, 3rd Floor 1111 East Broad Street Richmond, Virginia 23219

Sharla Dillon Docket and Records Manager Tennessee Regulatory Authority 460 James Robertson Parkway Nashville, TN 37243-0505

Governor Phil Bredesen Governor's Office Tennessee State Capitol Nashville, TN 37243-0001

Sonja Sykes-Minor

Sefter-Menn

Exhibit A

Sample Discontinuance Notice Letters

(Differences among letters depicted by background shading)

SECOND NOTICE OF COMMUNICATION SERVICES DISCONTINUANCE

DO NOT DISREGARD THIS NOTICE YOU MUST CHOOSE A NEW TELECOMMUNICATIONS SERVICE PROVIDER BY JANUARY 10, 2008



November 12, 2007

«CUSTOMER_NAME» Attn: «Contact_Name» «ADDRESS» «CITY», «STATE» «ZIP»

RE:

Discontinuance of Telecommunications Services provided by East Tennessee Network,

LLC

Dear XTN Customer:

We regret to inform you that East Tennessee Network, LLC ("XTN") will no longer be able to provide your telecommunications services in Tennessee. Accordingly, XTN will discontinue its voice and data services, including any long distance and DSL Internet services that you may receive. Subject to the necessary state and federal regulatory approvals, the anticipated date for the discontinuance of XTN's service is January 10, 2008

YOUR IMMEDIATE ACTION IS REQUIRED! YOU MUST SELECT A NEW LONG DISTANCE TELECOMMUNICATIONS SERVICE PROVIDER AS QUICKLY AS POSSIBLE BUT NO LATER THAN JANUARY 10, 2008, OR YOU MAY LOSE LONG DISTANCE TELECOMMUNICATIONS SERVICE. (NOTE THAT YOU WILL NOT LOSE YOUR LOCAL DIALTONE SERVICE, SINCE IT IS PROVIDED BY A CARRIER OTHER THAN XTN.

You must elect a new service provider as soon as possible to avoid any interruption of service. Please do not delay in arranging for a new service provider, as some providers may require several weeks to install or connect new services. To help avoid service disruption, please check carefully that all affected voice and data service types you currently have with XTN are moved to your new service provider. Once you have chosen and contacted your new provider, XTN will coordinate with the provider you have selected to assist in the transition of your service. Generally, you can find a list of most long distance telephone service providers in

your local telephone directory. Other types of telecommunications service providers may also be in your local telephone directory.

Please be aware that you are responsible for paying all bills rendered for services provided to you by XTN up to and including those provided during the transition. You may be subject to suspension or termination of your phone service in accordance with the Tennessee Regulatory Authority's rules if you fail to pay your telephone bills. Any deposits or credits associated with your account will be applied to your final bill, with any remaining balance returned to you. Any switchover fees (excluding non-recurring charges such as service connection charges, etc.) you incur to migrate your account to another telecommunications service provider will be reimbursed by XTN.

For further information regarding the Tennessee Regulatory Authority's rules relating to competitive local exchange carrier certification and regulation, or to obtain information regarding other long distance carriers operating in the state of Tennessee, please contact:

Tennessee Regulatory Authority 460 James Robertson Parkway Nashville, TN 37243-0505 (615) 741-2904 www.state.tn.us/tra

The Federal Communications Commission ("FCC") permits customers to object to discontinuance of their service by a telecommunications provider. As provided in the FCC's rule 47 CFR 63.71:

The FCC will normally authorize this proposed discontinuance of service unless it is shown that customers would be unable to receive service or a reasonable substitute from another carrier or that the public convenience and necessity is otherwise adversely affected if you wish to object, you should file your comments as soon as possible, but no later than 15 days after the Commission releases public notice of the proposed discontinuance. Address them to the Federal Communications Commission, Wireline Competition Bureau, Competition Policy Division, Washington, 20554, referencing the Section 63.71 Application of East Tennessee Network, LLC. Your comments should include specific information about the impact of this proposed discontinuance upon you or your company, including any inability to acquire reasonable substitute service.

XTN has truly enjoyed serving you, and we apologize for any inconvenience caused by our departure from voice and data services. We sincerely hope that your transition is smooth to another telecommunications provider who will meet all your needs.

If you have additional questions about our discontinuing services, please contact us toll-free at 1-888-323-1142. Thank you for using XTN services.

Sincerely,

Duane Uhls Chief Operating Officer East Tennessee Network, LLC

SECOND NOTICE OF COMMUNICATION SERVICES DISCONTINUANCE

<u>DO NOT DISREGARD THIS NOTICE</u> YOU MUST CHOOSE A NEW TELECOMMUNCATIONS SERVICE PROVIDER BY JANUARY 10, 2008



November 12, 2007

«CUSTOMER_NAME» Attn: «Contact_Name» «ADDRESS» «CITY», «STATE» «ZIP»

RE: Discontinuance of Telecommunications Services provided by East Tennessee Network,

LLC

Dear XTN Customer:

We regret to inform you that East Tennessee Network, LLC ("XTN") will no longer be able to provide your telecommunications services in Tennessee. Accordingly, XTN will discontinue its voice and data services, including any local, long distance and DSL Internet services that you may receive. Subject to the necessary state and federal regulatory approvals, the anticipated date for the discontinuance of XTN's service is January 10, 2008.

YOUR IMMEDIATE ACTION IS REQUIRED! YOU MUST SELECT A NEW TELE-COMMUNICATIONS SERVICE PROVIDER AS QUICKLY AS POSSIBLE BUT NO LATER THAN JANUARY 10, 2008 OR YOU MAY LOSE TELECOMMUNICATIONS SERVICES, INCLUDING LOCAL DIALTONE SERVICE.

You must elect a new service provider as soon as possible to avoid any interruption of service. Please do not delay in arranging for a new service provider, as some providers may require several weeks to install or connect new services. To help avoid service disruption, please check carefully that all affected voice and data service types you currently have with XTN are moved to your new service provider. Once you have chosen and contacted your new provider, XTN will coordinate with the provider you have selected to assist in the transition of your service. Generally, you can find a list of most local telephone service providers in your local telephone directory. Other types of service providers may also be in your local telephone directory. After selecting a new local telephone service provider, you should also contact your

current long distance service provider, to ensure that your current long distance calling plan is not changed as a result of your change in your local service.

Please be aware that you are responsible for paying all bills rendered for services provided to you by XTN up to and including those provided during the transition. You may be subject to suspension or termination of your phone service in accordance with the Tennessee Regulatory Authority's rules if you fail to pay your telephone bills. Any deposits or credits associated with your account will be applied to your final bill, with any remaining balance returned to you. Any switchover fees (excluding non-recurring charges such as service connection charges, etc.) you incur to migrate your account to another telecommunications service provider will be reimbursed by XTN.

For further information regarding the Tennessee Regulatory Authority's rules relating to competitive local exchange carrier certification and regulation, or to obtain information regarding other local carriers operating in the state of Tennessee, please contact:

Tennessee Regulatory Authority 460 James Robertson Parkway Nashville, TN 37243-0505 (615) 741-2904 www.state.tn.us/tra

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XTN has truly enjoyed serving you, and we apologize for any inconvenience caused by our departure from voice and data services. We sincerely hope that your transition is smooth to another telecommunications provider who will meet all your needs.

If you have additional questions about our discontinuing services, please contact us toll-free at 1-888-323-1142. Thank you for using XTN services.

Sincerely,

Duane Uhls Chief Operating Officer East Tennessee Network, LLC

SECOND NOTICE OF COMMUNICATION SERVICES DISCONTINUANCE

<u>DO NOT DISREGARD THIS NOTICE</u> YOU MUST CHOOSE A NEW TELECOMMUNCATIONS SERVICE PROVIDER BY DECEMBER 15, 2007



November 12, 2007

«CUSTOMER_NAME» Attn: «Contact_Name» «ADDRESS» «CITY», «STATE» «ZIP»

RE:

Discontinuance of Telecommunications Services provided by East Tennessee Network,

LLC

Dear XTN Customer:

We regret to inform you that East Tennessee Network, LLC ("XTN") will no longer be able to provide your telecommunications services in Virginia. Accordingly, XTN will discontinue its voice and data services, including any local, long distance and DSL Internet services that you may receive. Subject to the necessary state and federal regulatory approvals, the anticipated date for the discontinuance of XTN's service is December 15, 2007.

YOUR IMMEDIATE ACTION IS REQUIRED! YOU MUST SELECT A NEW TELE-COMMUNICATIONS SERVICE PROVIDER AS QUICKLY AS POSSIBLE BUT NO LATER THAN DECEMBER 15, 2007 OR YOU MAY LOSE TELECOMMUNICATIONS SERVICES, INCLUDING LOCAL DIALTONE SERVICE.

You must elect a new service provider as soon as possible to avoid any interruption of service. Please do not delay in arranging for a new service provider, as some providers may require several weeks to install or connect new services. To help avoid service disruption, please check carefully that all affected voice and data service types you currently have with XTN are moved to your new service provider. Once you have chosen and contacted your new provider, XTN will coordinate with the provider you have selected to assist in the transition of your service. Generally, you can find a list of most local telephone service providers in your local telephone directory. Other types of service providers may also be in your local telephone directory. After selecting a new local telephone service provider, you should also contact your

current long distance service provider, to ensure that your current long distance calling plan is not changed as a result of your change in your local service.

Please be aware that you are responsible for paying all bills rendered for services provided to you by XTN up to and including those provided during the transition. You may be subject to suspension or termination of your phone service in accordance with the Virginia State Corporation Commission's rules if you fail to pay your telephone bills. Any deposits or credits associated with your account will be applied to your final bill, with any remaining balance returned to you. Any switchover fees (excluding non-recurring charges such as service connection charges, etc.) you incur to migrate your account to another telecommunications service provider will be reimbursed by XTN.

For further information regarding the Virginia State Corporation Commission's rules relating to competitive local exchange carrier certification and regulation, or to obtain information regarding other local carriers operating in the state of Tennessee, please contact:

Virginia State Corporation Commission
Tyler Building
1300 East Main Street
Richmond, VA 23219
www.state.va.us/scc

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Sincerely,

Duane Uhls Chief Operating Officer East Tennessee Network, LLC